

REMARKS

Claims 5, 6, 22-28, 30 and 32 are pending in the present application. Claims 5, 6, 22-28, 30 and 32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 5,347,304 to Moura, further in view of U.S. Patent No. 5,901,340 to Flickinger, U.S. Patent No. 6,124,878 to Adams and U.S. Patent No. 6,567,981 to Jeffery. Applicants respectfully traverse.

Applicants' Figure 2 is an exemplary embodiment illustrating the features encompassed by Applicants' independent claims. The intelligent device system illustrated includes at least one addressable device 202 having at least one input and at least one output. A broadband uniform distribution (BUD) unit 38 receives a signal that includes at least a digital signal portion from the output of the at least one addressable device 202. An intelligent device 204 receives from the BUD 38 a modified RF signal carrying at least a digital signal portion. The intelligent device 204 splits an IP portion from a non-IP signal portion of the digital signal portion. The intelligent device 204 removes the modulated RF carrier from the IP portion and sends the IP portion signal to the input of at least one addressable device 202. As for the non-IP signal portion, the intelligent device 204 sends that to at least one standard outlet 232. The intelligent device comprises a demodulator 220 that receives the modulated RF digital signal portion from the BUD and a first digital combiner 212 that combines at least two demodulated digital signal portions from the demodulator 220 into one high speed digital transmission, as well as an RF splitter 214 and at least two RF bandpass filters 216,218.

On page 3, last paragraph of the Office Action, the Examiner asserts that the claimed "combiner" for creating the high speed digital transmission is disclosed in the

Dinwiddie patent at column 5, lines 18-35. However, the Dinwiddie patent is not cited in the list of patents that have been combined under 35 U.S.C. §103(a) to reject independent claim 5. Claims 5, 6, 22-28, 30 and 32, are presumably rejected under the combination of the Moura, Flickinger, Adams, Jeffery and Dinwiddie patents.

In contrast to the Applicants' claim 5 combination, the Moura patent utilizes a single six Mhz channel sliced to send and receive digital information. The Moura patent does not disclose or suggest, as admitted by the Examiner, an IP and non-IP portion.

The Office Action relies on the Adams patent, which is directed to a wideband system, to cure the deficiencies of the Moura patent. However, the Adams patent uses IP communications between a set top box and the cable TV headend to optimize bandwidth for different traffic types, e.g., available bit rate (ABR), continuous bit rate (CBR), and variable bit rate (VBR), which is clearly not related to the claimed features.

The Jeffery patent discloses a cross point matrix switcher 7 that indicates a baseband signal and not an RF wide band signal application (see, for instance, col. 2, lines 31-48). Therefore, the demodulators are used to adapt an RF signal to the matrix switch (see, col. 6, lines 12-21, for example), and not for receiving the modulated RF digital signal portion from a BUD as recited in independent claim 5.

The Dinwiddie patent discloses a system that adapts entertainment and computer appliances to a coaxial cable that is installed in a home environment. Even though the use of combiners and modulators is cited, the application and interfaces are not to a wideband signal distribution system as recited in Applicants' claim 5.

In addition, the Office Action never identifies which of the five applied patents discloses the claimed feature of an intelligent device that receives from the BUD a modulated RF signal carrying at least the digital signal portion thereon, wherein the intelligent device splits an IP portion from a non-IP portion of the digital signal portion.

Further, the Office Action never addresses Applicants' claim 5 feature of an intelligent device which removes the modulated RF carrier from the IP portion and sends the IP portion signal to the input of at least one addressable device, wherein said intelligent device sends the non-IP signal portion to at least one standard outlet.

In stating the motivation for making the combination of the five applied references, the Office Action only addresses the combination of the secondary reference with the primary reference. For instance, in addressing the BUD, the Office Action states that "Moura does not explicitly show a BUD." The Office Action relies on the Flickinger patent to disclose such a feature and states that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Moura patent with the feature of the BUD, at least for the desired benefit of an additional layer of processing in a home system as taught by the Flickinger patent.

In the next paragraph of the Office Action, the Office Action states that the Moura patent does not explicitly discuss splitting an IP portion from a non-IP signal portion of the digital signal portion and relies on the Adams patent to disclose such a feature.

However, the Examiner does not discuss the motivation for combining the Adams patent with both the Moura patent and the Flickinger patent to arrive at

Applicants' claimed embodiment. In addition, the Office Action does not disclose how the Adams patent, the Jeffery patent and the Dinwiddie patent would additionally have been combined with the teachings of the Moura patent and the Flickinger patent to arrive at Applicants' claim 5 combination.

As the Examiner is aware, it is improper to combine the teachings of references such that the principle operation of the primary reference is significantly changed. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Applicants respectfully assert that modifying the Moura patent with the combination of additional features allegedly disclosed by the Adams, Flickinger, Jeffery, and Dinwiddie patents would have significantly altered the principles of operation of the system disclosed in the Moura patent.

Accordingly, Applicants respectfully submit that the combination of patents relied upon by the Examiner is improper, and that these patents, either individually or in combination, do not disclose or suggest all of the features recited in Applicants' independent claim 5.

Claims 22 and 23 were rejected for similar reasons to those raised with respect to claim 5. Applicants submit that claims 5, 6, 22-28, 30 and 32 are allowable over the applied art of record for at least the above reasons.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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